

1 Repeal 2 Cal. Code Regs. Section 18536:  
2

3 ~~18536. Transfer and Attribution of Contributions.~~  
4

5 For purposes of Government Code section 85306:

6 (a) ~~A committee transferring funds must designate in its records at the time of its first~~  
7 ~~transfer whether it elects the "first in, first out" or a "last in, first out" method of accounting for~~  
8 ~~the current and future transfers. That designation is irrevocable.~~

9 (1) ~~"First in, first out" means that campaign funds being transferred are attributed to the~~  
10 ~~transferring committee's contributors in chronological order beginning with the earliest of its~~  
11 ~~contributors or, if there has been a prior transfer, beginning with the earliest contributor for~~  
12 ~~which unattributed contributions remain.~~

13 (2) ~~"Last in, first out" means that campaign funds being transferred are attributed to the~~  
14 ~~transferring committee's contributors in reverse chronological order beginning with the most~~  
15 ~~recent of its contributors or, if there has been a prior transfer, beginning with the most recent~~  
16 ~~contributor for which unattributed contributions remain.~~

17 (3) ~~Campaign funds shall be attributed to contributors in the lesser of the following~~  
18 ~~amounts:~~

19 (A) ~~The actual amount of the original contribution from the person to whom the~~  
20 ~~campaign funds are being attributed;~~

21 (B) ~~The applicable contribution limit under Government Code section 85301 or 85302; or~~

22 (C) ~~The amount of campaign funds the committee is seeking to transfer that has not yet~~  
23 ~~been attributed.~~

24 (b) ~~Transferred campaign funds shall include any inventory, equipment, or other assets to~~  
25 ~~be transferred to the receiving committee and shall be attributed to specific contributors at the~~  
26 ~~time of transfer using the fair market value of the asset at the time of the transfer.~~

1 ~~(c) Except as provided in subdivisions (b) and (e) of Government Code section 85306,~~  
2 ~~campaign funds transferred, when aggregated with all other transfers attributable to, and~~  
3 ~~contributions from, the same contributor, may not exceed the contribution limits applicable to the~~  
4 ~~candidate at the time of the transfer. Campaign funds attributed to a contributor who is a~~  
5 ~~candidate for elective state office at the time of the transfer, when aggregated with all other~~  
6 ~~contributions from that contributor, may not exceed the amount provided in Government Code~~  
7 ~~section 85301(a).~~

8 ~~(d) The committee transferring the funds shall maintain records that identify the specific~~  
9 ~~contributors to whom any transferred contributions have been attributed. If the transferring~~  
10 ~~committee no longer is required by Government Code section 84104 to maintain detailed~~  
11 ~~records, the receiving committee shall maintain either:~~

12 ~~(1) Such records from the transferring committee as are sufficient, pursuant to paragraphs~~  
13 ~~(1), (5) and (6) of subdivision (f) of Government Code section 84211, to confirm the identity of~~  
14 ~~the original contributors to whom transfers are being attributed; or~~

15 ~~(2) Copies of the transferring committee's original verified and filed campaign reports~~  
16 ~~that show the original contribution received from each contributor to whom a transferred~~  
17 ~~contribution is attributed.~~

18 ~~(e) A committee receiving transferred funds must disclose on its campaign statements~~  
19 ~~each attributed contribution of one hundred dollars (\$100) or more, providing the same~~  
20 ~~information required by subdivision (f) of Government Code section 84211 as disclosed on the~~  
21 ~~campaign statement on which the contribution was originally reported or as contained in the~~  
22 ~~committee's records at the time of the transfer.~~

23 ~~(f) Transfers made prior to a primary election, when aggregated with all other transfers~~  
24 ~~attributable to, and contributions from, the same contributor, may include amounts that could~~  
25 ~~have been raised for the general election pursuant to Government Code section 85318, provided~~  
26 ~~the receiving committee complies with the requirements of this section.~~

27 ~~(g) This regulation does not apply to a candidate for statewide elective office, or the~~  
28 ~~candidate's controlled committee for that office, in an election held before November 6, 2002.~~

1 ~~This regulation applies on and after November 6, 2002, to a candidate for statewide elective~~  
2 ~~office, and the candidate's controlled committee for that office, in an election held on or after~~  
3 ~~November 6, 2002.~~

4 ~~NOTE: Authority cited: Section 83112, Government Code.~~

5 ~~Reference: Sections 85200, 85305, 85306 and 85318, Government Code.~~

1 Add 2 Cal. Code Regs. Section 18536:

2 18536. Transfer and Attribution of Contributions.

3 For purposes of Government Code section 85306:

4 (a) A committee transferring funds must designate in its records at the time of its first  
5 transfer whether it elects the "first in, first out" or a "last in, first out" method of accounting for  
6 the current and future transfers. That designation is irrevocable.

7 (1) "First in, first out" means that campaign funds being transferred are attributed to the  
8 transferring committee's contributors in chronological order beginning with the earliest of its  
9 contributors or, if there has been a prior transfer, beginning with the earliest contributor for  
10 which unattributed contributions remain.

11 (2) "Last in, first out" means that campaign funds being transferred are attributed to the  
12 transferring committee's contributors in reverse chronological order beginning with the most  
13 recent of its contributors or, if there has been a prior transfer, beginning with the most recent  
14 contributor for which unattributed contributions remain.

15 (3) Campaign funds shall be attributed to contributors in the lesser of the following  
16 amounts:

17 (A) The actual amount of the original contribution from the person to whom the  
18 campaign funds are being attributed;

19 (B) The applicable contribution limit under Government Code section 85301 or 85302; or

20 (C) The amount of campaign funds the committee is seeking to transfer that has not yet  
21 been attributed.

1        (b) Transferred campaign funds shall include any inventory, equipment, or other assets to  
2        be transferred to the receiving committee and shall be attributed to specific contributors at the  
3        time of transfer using the fair market value of the asset at the time of the transfer.

4        (c) Except as provided in subdivisions (b) and (c) of Government Code section 85306,  
5        campaign funds transferred, when aggregated with all other transfers attributable to, and  
6        contributions from, the same contributor, may not exceed the contribution limits applicable to the  
7        candidate at the time of the transfer. Campaign funds attributed to a contributor who is a  
8        candidate for elective state office at the time of the transfer, when aggregated with all other  
9        contributions from that contributor, may not exceed the amount provided in subdivision (a) of  
10       Government Code section 85301.

11       (d) The committee transferring the funds shall maintain records that identify the specific  
12       contributors to whom any transferred contributions have been attributed. If the transferring  
13       committee no longer is required by Government Code section 84104 to maintain detailed  
14       records, the receiving committee shall maintain either:

15       (1) Such records from the transferring committee as are sufficient, pursuant to paragraphs  
16       (1), (5) and (6) of subdivision (f) of Government Code section 84211, to confirm the identity of  
17       the original contributors to whom transfers are being attributed; or

18       (2) Copies of the transferring committee's original verified and filed campaign reports  
19       that show the original contribution received from each contributor to whom a transferred  
20       contribution is attributed.

21       (e) A committee receiving transferred funds must disclose on its campaign statements  
22       each attributed contribution of one hundred dollars (\$100) or more, providing the same  
23       information required by subdivision (f) and, if applicable, subdivision (m) of Government Code

1 section 84211 as disclosed on the campaign statement on which the contribution was originally  
2 reported or as contained in the committee's records at the time of the transfer.

3 (f) Transfers made prior to a primary election, when aggregated with all other transfers  
4 attributable to, and contributions from, the same contributor, may include amounts that could  
5 have been raised for the general election pursuant to Government Code section 85318, provided  
6 the receiving committee complies with the requirements of this section.

7 (g) A candidate or committee that receives a contribution which, when aggregated with  
8 contributions attributed to the same contributor, would otherwise constitute a violation of  
9 Government Code section 85301 or 85302, shall not be in violation of either of those sections  
10 provided the contribution is returned pursuant to 2 Cal. Code Regs. section 18531.

11 (h) A contributor that makes a contribution which, when aggregated with contributions  
12 attributed to the same contributor, would otherwise be in violation of Government Code section  
13 85301 or 85302, shall not be in violation of either of those sections unless the contributor was  
14 aware of the attribution at the time the contribution was made.

15 (i) This regulation does not apply to a candidate for statewide elective office, or the  
16 candidate's controlled committee for that office, in an election held before November 6, 2002.  
17 This regulation applies on and after November 6, 2002, to a candidate for statewide elective  
18 office, and the candidate's controlled committee for that office, in an election held on or after  
19 November 6, 2002.

20 NOTE: Authority cited: Section 83112, Government Code.  
21 Reference: Sections 85200, 85305, 85306 and 85318, Government Code.